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Amendments to the Drawings

The drawings and specification have been amended to correct the deficiencies as suggested by the Examiner.

Applicant originally submitted formal drawings on March 1, 2004. In the first office action of October 13, 2006, Applicant submitted a new set of replacement formal drawings, in which Applicant also responded to the Examiner's objections as made in the Office Action.

As pointed out by the Examiner in the current final office action, though the new drawings addressed the objections made in the first office action, the new replacement drawings had many other errors that were not present in the original set of March 1, 2004. The Examiner thus recommended in the current office action that the applicant submit the originally presented drawings of March 1, 2004 for all figures except those where corrections are made to overcome objections.

Thus, following the Examiner's suggestion, Applicant is submitting the original formal drawings of March 1, 2004 as replacement drawings. These will completely replace the set of drawings sent in response to the first office action.

Any changes made are therefore described in terms of the drawings of March 1, 2004 and not in terms of the last submitted set with multiple errors. The only changes in this original replacement set are those which address the objections made in the first office action of October 13, 2006.

The first change is in FIG. 7A. Because in the first office action, the Examiner indicated that the reference numeral 752 was used to designate both waste site and aseptic fluid apparatus, the reference numeral for the waste site has been amended to be 792 and has been changed in FIG. 7A to reflect the same.

Also, in the first office action, the Examiner stated that he reference characters 910 and 914 were not mentioned in the description. These reference numerals have therefore been deleted from the drawings.

The Examiner also objected to the drawings because reference character 100 has been used to designate both the macromolecule preparation process (page 1, lines 11-12) and apparatus (page 6, line 15). The Examiner suggests that on page 6, line 15 should be amended to read "a process for" as opposed to "an apparatus for" to be consistent with page 1, lines 11-12.

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This change has been made as stated in the "Amendment to Specification" section of this response.

Transmitted herewith are replacement drawing sheets consisting of a total of 25 sheets, figures 1-23, for filing in the subject parent application.

Attachment: Replacement Sheets

Annotated Sheets

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REMARKS**General Remarks**

Applicant thanks the Examiner for the telephone call on September 20, 2007, where the Examiner indicated that this case would be allowable with a properly filed terminal disclaimer and corrections of minor typographical errors in claims 29 and 41. The suggested amendments have been made to these claims and a terminal disclaimer is being filed as suggested. This case should thus be in condition for allowance.

Further, Applicant would like Examiner to note that some of the Applicant's own Applications that Applicant previously cited in IDS' as application numbers have recently been published. Thus, Applicant would like the Examiner to note the corresponding publication numbers: Application Number 10/601,096 (now abandoned) is Publication Number 20040259269; Application Number 10/601,277 is Publication Number 20040259266; and Application 10/600,177 is Publication Number 20040260414.

112 Rejections

All independent claims have been amended to recite waste site as opposed to waste chamber. All of the Examiner's 112 rejections were based on the limitation of "waste chamber" in each independent claim, which the Examiner considered as being "new matter." As the Examiner has stated, the specification makes specific reference to a waste site but not a waste chamber. This amendment, should thus rectify all of the 112 issues.

Double Patenting

The Examiner has rejected claims 1-5 and 7-45 on the ground of nonstatutory obviousness type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 7,169,599 in view of Swerdlow et al. (US 5,935,522). Specifically, the Examiner has stated that claims 1, 18, 19, 20, 21, 24, 38, 39, 40, 41, 44, and 45 each are unpatentable over each of independent claims 1, 21, and 22.

Though the specification of the cited 5,935,522 patent describes an electrophoresis system, the claims (which are the subject of the double patenting rejection) are only directed to a

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method of aseptically sampling a fluid. Thus, one skilled in the art would not combine the continuous loading electrophoresis system of Swerdlow with the method of aseptically sampling a fluid as claimed in the cited reference; nor could the combination result in the invention claimed herein.

Also, as the Examiner has stated, the double patenting rejection can be overcome with a filed terminal disclaimer. Though a terminal disclaimer is not required, it is being filed for the purpose of expediting prosecution of this case because both this application and the cited patent have a common filing date.

Accordingly, the rejection has been overcome.

The Examiner has further provisionally rejected claims 1-5 and 7-45 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 25-27 of copending Application No. 11/604440 in view of Swerdlow et al. Specifically, the Examiner has rejected claims 1, 18, 19, 20, 21, 24, 38, 39, 40, 41, 44, and 45, stating that independent claims 1 and 25-27 or Application No. 11/604440 each recite all of the limitations except for the capillary electrophoresis system.

The claims of the copending application are directed to an aseptic fluidic interface apparatus, and not an electrophoresis system. The claims, as previously stated, do not recite the limitation that is lacking in Swerdlow; the limitation being a waste site that is closed while the liquid is transferred to the electrophoresis column. Therefore, even if one combined Swerdlow's device and the claims of 11/604440, they would not describe all of the limitations of the Applicant's claims.

Also, a terminal disclaimer is not required for this application, because no claims have been allowed in the copending application, while this application should now be allowable.

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CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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09/26/07